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Appellant(s): Ole K. Nilssen



98 3748

Ole K. Nilssen
For Appellant

## SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to appellant's Reply Brief filed 6/15/93 and the amendment filed 5/14/93.

The claims filed with the Brief on 6/15/92 have not been entered since they were part of the Reply Brief. The separately filed claims of the 5/4/93 amendment have been entered.

(1) Status of claims.

The statement of the status of claims contained in the brief is correct, except that new claims 28 and 29 also stand rejected.

Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(3) Summary of invention.

The summary of invention contained in the brief is correct.

(4) Issues.

The appellant's statement of the issues in the brief is correct.

(5) Grouping of claims.

The rejection of claims 1, 8-12, 19-29 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together. See 37 C.F.R. § 1.192(c)(5).

(6) Claims appealed.

The claims under appeal are those field 5/14/93 in response to the Examiner's Answer.

(7) Prior Art of record.

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

| Number | Name | Date |
|---|---|---|
| 4,045,711 | Pitel | 8/30/77 |
| 3,691,450 | Cox | 9/12/72 |

(8) New prior art.

A new reference has been applied in a new ground of rejection in this examiner's answer and listed below:

| Number | Name | Date |
|---|---|---|
| 4,463,285 | Nilssen | 7/31/84 |

(9) Grounds of rejection.

The following ground(s) of rejection are applicable to the appealed claims.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1, 8-12 and 19-27 are rejected under 35 U.S.C. § 103 as being unpatentable over Pitel ('711) in view of Cox.

Pitel (4,045,711) disclose an arrangement comprising a source for providing an alternating voltage across a pair of source terminals (see output of the oscillator circuit 7) a rectifier means (5), a series combination of an inductor and a capacitor (45 and 47, fig. 1), and a gas discharge lamp (55, fig. 1) having a first and second thermionic cathode (see fig. 1). Pitel, however; differs from claims 1, 8-12 and 19-27 by using an inverter that provides an sinusoidal output voltage and the LC circuit that is turned to natural resonance at a frequency lower than the fundamental frequency of the AC output voltage.

Cox discloses that the operating frequency of the inverter could be at or higher than the resonant frequency of the LC circuit (i.e. the resonant frequency is lower than the fundamental frequency) so as to provide the necessary high voltage required for starting a lamp. Note that the output

voltage of the inverter in Cox is substantially sinusoidal output voltage (see fig. 4). Thus, it would have been obvious to one of ordinary skill in the art to provide the arrangement of Pitel with a turned series combination being naturally resonant at a frequency lower than the fundamental frequency so as to provide a necessary high voltage required for starting a lamp and provide a substantially sinusoidal output voltage as well known in the art and as inherently supported by Cox.

(10) New ground of rejection.

This examiner's answer contains the following NEW GROUND OF REJECTION.

Claims 28-29 are rejected under 35 U.S.C. § 103 as being unpatentable over Pitel and Cox as applied to claims 1, 8-12 and 19-27 above, and further in view of Nilssen (285).

Pitel and Cox applied as above. Pitel and Cox differ from claims 28-29 in that the claims recite voltage doubler capacitors coupled to the rectifier so as to provide a DC voltage which has magnitude higher than the peak absolute magnitude of power line voltage.

Nilssen (285) shows that the use of voltage doubler capacitors coupled to a rectifier so as to provide a DC voltage having magnitude higher than peak absolute magnitude of the power line voltage to an inverter is well known in the art. Thus, it would have been obvious to one of ordinary skill in the art to modify Ritel and Cox by using voltage doubler capacitors coupled to a rectifier so as to provide a source of DC voltage which has

an absolute magnitude higher than the peak absolute magnitude higher than the peak absolute magnitude of the power line voltage as taught by Nilssen.

Period of Response to New Ground of Rejection.

Applicant's amendment which includes newly added claims (claims 28-29) necessitated the new ground of rejection.

Accordingly, no period of response to new ground of rejection is given in view of the addition of new claims in the Amendment.

(11) Response to argument.

The Appellant states in item (a) that Cox does not discloses that "the operating frequency of the inverter can be at or higher than the resonant frequency of the LC circuit..." However, this feature is shown in column 5, lines 31-35 of Cox.

The Appellant also alleges that the Examiner's rejection was unclear and improper. The Examiner respectfully disagrees and submits that the rejection was and is indeed clear and proper.

As to Appellant submitted that the Examiner fails to set forth a proposed modification or has not submitted how one bodily incorporates features from a secondary reference into primary reference, Applicant should note" Test of obviousness is not whether features of secondary reference may be bodily incorporated into primary reference structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, test is what combined teachings of references would have suggested to those of ordinary skill in the art." In

Re Keller 208 PQ 871 (1981).

It is additionally noted that Appellant's statements in the second paragraph of page 4 are not fully understood by the Examiner.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

EUGENE R. LaROCHE
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Dinh/tj
December 14, 1993